

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X ERNESTO and DIANA MIRANDA, Plaintiffs, -against- ABEX CORPORATION, ET AL., Defendants. ----- X	: 08 CV 5491 (SAS) VERIFIED ANSWER OF THE BOEING COMPANY TO CROSS-CLAIM OF DEFENDANT INTERNATIONAL BUSINESS MACHINES CORPORATION : : ----- X
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THE BOEING COMPANY, and THE BOEING COMPANY sued herein incorrectly as BOEING INTEGRATED DEFENSE SYSTEMS ("THE BOEING COMPANY"), by its attorneys WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, as and for its verified answer to Defendant INTERNATIONAL BUSINESS MACHINES CORPORATION ("IBM"), sets forth, upon information and belief, as follows:

1. THE BOEING COMPANY denies each and every allegation contained in Paragraph "34" of IBM'S AMENDED ANSWER TO STANDARD COMPLAINT NO. 1 filed on August 27, 2008 as they pertain to THE BOEING COMPANY and refers all questions of fact and law to the trier of the fact and this Honorable Court.

2. THE BOEING COMPANY incorporates by reference all affirmative defenses contained in its VERIFIED ANSWER dated May 6, 2008.

WHEREFORE, the Defendant, THE BOEING COMPANY, demands judgment dismissing IBM'S cross-claim in its entirety, with costs and disbursements, and in the event of any judgment over and against this answering defendant, demands judgment

based on contribution and/or indemnity in accordance with the principles of fault and apportionment, along with costs and disbursements, including reasonable attorneys fees.

Dated: White Plains, New York
September 4, 2008

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
LLP

By:

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THE BOEING COMPANY sued herein
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3 Gannett Drive
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To: All Parties (see attached Rider for service list)

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